

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

JOHN DANIEL LESLIE,)	
)	
Plaintiff,)	
)	Cause No:
v.)	
)	
U.S. DEPARTMENT OF THE INTERIOR,)	
Serve: Office of US Attorney Callahan)	
Attn: Civil-Process Clerk)	
111 S. 10th Street, 20th Floor)	
St. Louis, MO 63102)	
)	
Defendant.)	
)	

COMPLAINT FOR INJUNCTIVE RELIEF

1. This is an action under the Freedom of Information Act, 5 U.S.C. § 552, for injunctive and other appropriate relief and seeking the disclosure and release of agency records improperly withheld from Plaintiff by Defendant Department of the Interior (“DOI”) and its components National Parks Service (“NPS”).

Jurisdiction and Venue

2. This Court has both subject matter jurisdiction over this action and personal jurisdiction over the parties pursuant to 5 U.S.C. § 552(a)(4)(B). This Court also has jurisdiction over this action pursuant to 28 U.S.C. § 1331. Venue lies in this district under 5 U.S.C. § 552(a)(4)(B) because Plaintiff resides in this district.

3. Plaintiff John Daniel Leslie was a National Park Service employee who was injured in an accident on February 9, 2011 at the Gateway Arch in downtown St. Louis. Plaintiff has filed a lawsuit in Missouri state court, Case No. 1322-CC00445, against two entities

responsible for the maintenance and repair of the Arch's pods/trams and seeks records related to that accident.

4. Defendant DOI is a Department of the Executive Branch of the United States Government, and includes component entities NPS. Defendant DOI is an agency within the meaning of 5 U.S.C. § 552(f).

Plaintiff's FOIA Requests and Defendant's Failure to Timely Respond

5. By letter to NPS dated August 29, 2013, Plaintiff submitted Freedom of Information Act "FOIA" requests for the following documents:

- (1) All documents relating to the investigation of February 9, 2011 injury to John Daniel Leslie, including statements of witnesses or people with information, photos, videotapes, notes, electronic images, plans, drawings, failure analysis, reports, statements, or documents from Maida Engineering, Inc. and Guarantee Electrical Company, all files and documents of Dickey Brown's investigation;
- (2) Employment missed time records;
- (3) Any workers compensation records.

See Exhibit A, attached.

6. By letter to Plaintiff on September 6, 2013, Defendant DOI confirmed receipt of Plaintiff's request and anticipated final response by September 27, 2013. *See Exhibit B, attached.*

7. To date, Defendant DOI has not provided the records requested by Plaintiff in his FOIA request, notwithstanding the FOIA's requirement of an agency response within twenty (20) working days.

8. Plaintiff has exhausted the applicable administrative remedies with respect to his FOIA request to Defendant DOI. Plaintiff has repeatedly contacted Defendant to try to get these documents.

9. Defendant DOI has wrongfully withheld the requested records from Plaintiff.

Requested Relief

WHEREFORE, Plaintiff prays that this Court:

- A. order Defendant DOI to disclose the requested records in their entireties and make copies available to Plaintiff;
- B. provide for expeditious proceedings in this action;
- C. award Plaintiff its costs and reasonable attorneys fees incurred in this action; and
- D. grant further just and proper relief.

Respectfully submitted,

CANTOR & BURGER, LLC

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